

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARKSMEN, INC., :

Plaintiff, : 10 Civ. 0214 (DLC)

- against - :

INTERBRAND CORPORATION, :

Defendant. :
-----X

**PROPOSED CASE MANAGEMENT
PLAN AND SCHEDULING ORDER**

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DATE FILED: 7/12/10

DENISE L. COTE, District Judge:

The Court hereby adopts this Case Management Plan and Scheduling Order in accordance with Rules 16–26(f) of the Federal Rules of Civil Procedure.

1. This case is to be tried to a jury.
2. Interbrand's answer and any other pleading in response to the complaint will be served by July 28, 2010.
3. The parties will submit amended pleadings or will join additional parties by December 28, 2010. *September 24, 2010.*
4. The parties will exchange their initial Fed. R. Civ. P. Rule 26(a) disclosures on August 31, 2010. The parties will exchange copies of documents, if any, in accordance with Rule 26(a)(1)(A)(ii) on August 31, 2010, to include without limitation electronically stored information within the scope of this rule.
5. All fact discovery will be commenced in time to be completed by February 28, 2011. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, if the

parties meet the fact discovery deadline:

- a. Requests for production of documents to be served by September 30, 2010.
- b. Interrogatories to be served by November 30, 2010.
- c. Depositions to be completed by January 28, 2011.
- d. Requests to admit to be served by January 28, 2011.

6. Each party will disclose the name, address, a brief description of the subject matter of the anticipated expert testimony, and such other information required for disclosures in Rule 26 ("Initial Experts") by March 31, 2011. Each party will disclose the name, address, a brief description of the subject matter of the anticipated expert testimony, and such other information required for disclosures in Rule 26 for any expert who may testify to rebut the initial expert testimony ("Rebuttal Experts") by April 29, 2011.

- a. The reports of the Initial Experts under Rule 26(a)(2)(B) will be due on May 31, 2011.
- b. The reports of the Rebuttal Experts under Rule 26(a)(2)(B) will be due on June 30, 2011.
- c. Depositions of the Initial and Rebuttal Experts will be concluded by July 29, 2011.

7. The parties will negotiate and enter into an agreement concerning confidential information, which they will propose to the Court for approval upon its completion.


8. Any dispositive motions will be filed by September 30, 2011.

9. The parties will submit a Joint Pretrial Order prepared in accordance with Rule 26(a)(3). If this action is to be tried before a jury, proposed voir dire, jury instructions, and a verdict form will be filed with the Joint Pretrial Order. Counsel are required to meet and confer

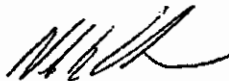
on jury instructions and verdict form in an effort to make an agreed upon submission.

Dated: New York, New York
July 9, 2010

**INGRAM YUZEK GAINEN
CARROLL & BERTOLOTTI, LLP**

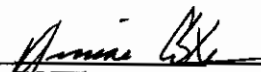
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SO ORDERED:

July 12, 2010


DENISE L. COTE
UNITED STATES DISTRICT JUDGE 